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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,565	12/08/2000	Wesley A. Brush	2000-0010	2706

7590

03/19/2004

MR. S. H. Dworetsky  
AT&T Corp.  
P.O. Box 4110  
Middletown, NJ 07748

EXAMINER
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MOSLEHI, FARHOOD

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 03/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/732,565

**Applicant(s)**

BRUSH ET AL.

**Examiner**

Farhood Moslehi

**Art Unit**

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-21 are presented for examination.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 9, 11-14, 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Nguyen et al. (5,815,561) (hereinafter Nguyen).

As per claim 1, Nguyen teaches a message for communication among network elements, the message comprising: at least one media identifier including a first section and a second section (e.g. col. 18, lines 20-25); wherein the first section identifies one of a stored media file retrieved by a network element and an action item performed by the network element, and the second section identifies a media file type of the stored media file when the first section identifies the stored media file (e.g. col. 18, lines 30-41).

4. As per claim 13, it is rejected for similar reasons as stated above.
5. As per claim 16, it is rejected for similar reasons as stated above.
6. As per claim 18, it is rejected for similar reasons as stated above.
7. As per claim 2, Nguyen teaches the message wherein the stored media file includes one of an announcement and a non-announcement type media file, the non-

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announcement type media file including media other than announcements and the announcement type media file including an announcement (e.g. col. 7, lines 32-49).

8. As per claim 17, it is rejected for similar reasons as stated above.

9. As per claim 3, Nguyen teaches the message, wherein the second section includes a first group of bits identifying whether an announcement or non-announcement type media file is identified by the at least one media identifier (e.g. col. 4, lines 37-46).

10. As per claim 4, Nguyen teaches the message, wherein the second section includes a second group of bits, and when an announcement type media file is identified by the first group of bits, the second group of bits identifies whether an announcement in the identified announcement type media file is interruptible or uninterruptible( e.g. col. 6, lines 37-53).

11. As per claim 5, Nguyen teaches the message, wherein the second group of bits identifies whether an interruptible announcement is interruptible with one of DTMF, speech and both DTMF and speech (e.g. col. 12, lines 35-43).

12. As per claim 19, it is rejected for similar reasons as stated above.

13. As per claim 6, Nguyen teaches the message, wherein when an announcement type media file is identified by the first group of bits, the first group of bits also identifying whether the announcement is a menu item (e.g. figure 5, items 512,514 and 516).

14. As per claim 20, it is rejected for similar reasons as stated above.

15. As per claim 9, Nguyen teaches the message, wherein the second section includes a third group of bits, and when a non-announcement type media file is

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identified by the first group of bits, the third group of bits identifies one of a media file format and an action item code (e.g. col. 15, lines 19-30).

16. As per claim 11, Nguyen teaches the message, wherein the plurality of network elements include network elements in a telecommunications network (e.g. Figure 1).

17. As per claim 12, Nguyen teaches the message, wherein the telecommunications network includes an intelligent network, and the plurality of network elements include an intelligent peripheral and a service point (e.g. col. 12, lines 15-29).

18. As per claim 14, it is rejected for similar reasons as stated above.

***Claim Rejections - 35 USC § 103***

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 7, 8 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen in view of Weisser Jr. (5,438,568) (hereinafter Weisser).

21. As per claim 7, Nguyen does not specifically show the message wherein the second section includes a third group of bits, and when an announcement type media file is identified by the first group of bits, the third group of bits identifying a menu offset used to determine the next announcement to play to a caller. Weisser teaches the message wherein the second section includes a third group of bits, and when an announcement type media file is identified by the first group of bits, the third group of

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bits identifying a menu offset used to determine the next announcement to play to a caller (e.g. col. 7, lines 9-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Nguyen with Weisser. The motivation would have been for the announcements to be played for the caller via bits inside message packets.

22. As per claim 21, it is rejected for similar reasons as stated above.

23. As per claim 8, Nguyen does not specifically show the message, wherein the at least one media identifier includes a plurality of media identifiers, and the menu offset is used to identify one of the plurality of media identifiers. Weisser teaches the message, wherein the at least one media identifier includes a plurality of media identifiers, and the menu offset is used to identify one of the plurality of media identifiers (e.g. col. 7, lines 44-54) It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Nguyen and Weisser. The motivation would have been to identify the media for the call.

24. Claims 10, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen in view of Ganesan et al. (5,519,640) (hereinafter Ganesan).

25. As per claim 10, Nguyen does not specifically teach the message wherein the media file includes one of video, fax, music, data and an announcement. Ganesan teaches the message wherein the media file includes one of video, fax, music, data and an announcement (e.g. Figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Nguyen and Ganesan. The motivation would have been for different media types to traverse over the network.

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26. As per claim 15, it is rejected for similar reasons as stated above.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farhood Moslehi whose telephone number is 703-305-8646. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 703-305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5484.

fm



JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100